

Absent

Moore

Spears

The President Pro Tempore then laid the resolution before the Senate on its third reading and final passage.

The resolution was read third time and was passed by the following vote:

Yeas—29

| | |
|------------|-----------|
| Aikin | Kazen |
| Bates | Kennard |
| Blanchard | Krueger |
| Calhoun | Parkhouse |
| Cole | Patman |
| Colson | Ratliff |
| Creighton | Reagan |
| Crump | Richter |
| Dies | Rogers |
| Hall | Schwartz |
| Hardeman | Snelson |
| Harrington | Strong |
| Hazlewood | Watson |
| Herring | Word |
| Hightower | |

Absent

Moore

Spears

Congratulatory and Welcome Resolutions

S. R. No. 337—By Senator Watson: Extending welcome to Mr. Murray Watson, Sr. of Mart.

S. R. No. 339—By Senator Kennard: Extending congratulations to Lake Worth High School of Fort Worth on winning Basketball Championship.

Adjournment

On motion of Senator Aikin the Senate at 12:25 o'clock p.m. adjourned until 10:30 o'clock a.m. on Monday, March 29, 1965.

APPENDIX

Report of Standing Committee

Senator Hardeman submitted the following report:

Austin, Texas,
March 25, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on En-

grossed and Enrolled Bills, to which was referred:

S. B. No. 3, An Act amending Section 3(c) Acts of the 2nd Called Session, 41st Legislature, Chapter 42, as heretofore amended, (now codified as Subsection (c) of Section 3 of Article 827a Vernon's Penal Code) relative to the length of vehicles, motor vehicles and combinations thereof; repealing Section 7(a) Acts of the 2nd Called Session, 41st Legislature, Chapter 42, as amended, (now codified as Section 7(a) of Article 827a Vernon's Penal Code); providing an effective date; and declaring an emergency.

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Sent to Governor

March 25, 1965

S. B. No. 3

FORTIETH DAY

(Monday, March 29, 1965)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

| | |
|------------|-----------|
| Aikin | Kazen |
| Bates | Kennard |
| Blanchard | Krueger |
| Calhoun | Moore |
| Cole | Parkhouse |
| Colson | Patman |
| Creighton | Reagan |
| Crump | Richter |
| Dies | Rogers |
| Hall | Schwartz |
| Hardeman | Snelson |
| Harrington | Spears |
| Hazlewood | Strong |
| Herring | Watson |
| Hightower | Word |

Absent—Excused

Ratliff

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the Proceedings of Thursday, March 25, 1965, was dis-

pensed with and the Journal was approved.

Leave of Absence

Senator Ratliff was granted leave of absence for today on account of important business on motion of Senator Parkhouse.

Message From the House

Hall of the House of Representatives
Austin, Texas,
March 29, 1965.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 70, In memory of David H. Nathan.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk House of Representatives

House Concurrent Resolution 70 on Second Reading

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 70, Memorial resolution for David H. Nathan.

The resolution was read.

On motion of Senator Schwartz and by unanimous consent the resolution was considered immediately and was adopted by a rising vote of the Senate.

(Senator Hardeman in the Chair.)

Senate Resolution 344

Senator Blanchard offered the following resolution:

Whereas, Shirley Jeane Barrett and Preston Michael Smith were married on March 27, 1965, at seven-thirty in the evening in the Pleasant Grove Christian Church in Dallas, Texas; and

Whereas, Shirley Jeane is the daughter of Mr. and Mrs. Sidney Hughes Barrett; and

Whereas, Preston Michael is the son of our distinguished Lieutenant Governor Preston Smith and Mrs. Smith; and

Whereas, It is the wish of the Senate that this union be blessed with genuine happiness as the gift of life

is shared in love and understanding and kindness; now, therefore, be it

Resolved, That the Senate of the 59th Texas Legislature congratulates Mr. and Mrs. Preston Michael Smith on their marriage; and, be it further

Resolved, That copies of this Resolution be given to Mr. and Mrs. Preston Michael Smith and to their parents with our faith and confidence in their future.

BLANCHARD

Signed—Lieutenant Governor Preston Smith; Aikin, Bates, Calhoun, Cole, Colson, Creighton, Crump, Dies, Hall, Hardeman, Harrington, Hazlewood, Herring, Hightower, Kazen, Kennard, Krueger, Moore, Parkhouse, Patman, Ratliff, Reagan, Richter, Rogers, Schwartz, Snelson, Spears, Strong, Watson, Word.

The resolution was read.

On motion of Senator Word and by unanimous consent the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

The resolution was then unanimously adopted.

(President in the Chair.)

Senate Bill 474 on First Reading

Senator Krueger moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—31

| | |
|------------|-----------|
| Aikin | Kennard |
| Bates | Krueger |
| Blanchard | Moore |
| Calhoun | Parkhouse |
| Cole | Patman |
| Colson | Ratliff |
| Creighton | Reagan |
| Crump | Richter |
| Dies | Rogers |
| Hall | Schwartz |
| Hardeman | Snelson |
| Harrington | Spears |
| Hazlewood | Strong |
| Herring | Watson |
| Hightower | Word |
| Kazen | |

The following bill was then intro-

duced, read first time and referred to the Committee indicated:

By Senators Krueger, Aikin and Dies:

S. B. No. 474, A bill to be entitled "An Act creating each County of the State a County-Wide Vocational School District; authorizing Counties to vote, levy, assess and collect a County-Wide Vocational School Tax; providing for the apportionment and administration thereof; providing for operation and further support of Area Vocational School programs by local school district(s) in the county, as designated by the Central Education Agency in line with State plan for vocational education, where or not such County tax is voted; prescribing as to eligibility, procedures and receiving for attendance and/or enrollment in Area Vocational School programs; authorizing counting of average daily attendance for Foundation School Program purposes in accordance with policies of the Central Education Agency; providing for adjustments and payments of State per-capita on certain scholastics to the receiving district; providing this Act shall not have effect of changing any duties imposed or powers conferred on trustees of any school district of this State except as expressly provided herein; providing a severability and savings clause; and declaring an emergency."

To the Committee on Education.

Senate Resolution 348

Senator Watson offered the following resolution:

Whereas, Miss Cynthia Caye Chadwell is eighteen years of age and was born and raised in Mart, McLennan County, Texas; and

Whereas, Miss Chadwell attended Mart High School and graduated as valedictorian of her class with a 98.8 average; and

Whereas, Miss Chadwell, while attending high school, was voted Miss Teenager of Mart, selected first runner-up to Miss Versatility contest, first runner-up Miss Southwest Contact Lens in Little Rock, Arkansas, Miss Smile Queen for the Heart of Texas Fair and Rodeo in Waco; and

Whereas, She has further distinguished herself by being named to the National Honor Society, the Homemaker of Tomorrow Award, and

head majorette of the high school band; and

Whereas, Miss Chadwell served as chairman of Mart Teens March of Dimes campaign and did such a capable job that Mart won the Central Texas trophy for raising the most money per student; and

Whereas, She received a scholarship from Sam Houston State Teachers College where she is majoring in Chemistry, and was selected to take Honors courses; and

Whereas, McLennan County and the State of Texas was honored on November 9, 1964, when Miss Chadwell was named Queen of the Texas Farm Bureau, the highest honor for beauty bestowed upon farm and ranch girls of Texas; and

Whereas, Miss Chadwell won over 12 other lovely young ladies from all parts of this State, after winning the county and district contests in her own area; and

Whereas, Miss Chadwell honored the State of Texas at Philadelphia, Pennsylvania, at the annual meeting of the American Farm Bureau Federation with her charm, beauty and warm disposition setting her apart from the rest as a true representative of Texas beauty and Southern grace; and

Whereas, She will continue to reign as Queen of the Texas Farm Bureau during this year and be a true representative of those things that make all Texans proud of this State; and

Whereas, Miss Chadwell is the daughter of Mr. and Mrs. Sidney B. Chadwell of Mart, Texas, outstanding ranchers and business people of the Central Texas area, and granddaughter of Mrs. A. S. Chadwell of Mart and Mrs. Read of Marlin;

Whereas, The Texas Senate wishes to join with other Texans in congratulating Cynthia Caye Chadwell and her parents on her achievements; and

Whereas, The Texas Senate welcomes her to the Senate and recognizes her to say a few words; now, therefore, be it

Resolved, By the Senate of the State of Texas that the Senate does hereby extend to Miss Cynthia Caye Chadwell, Queen of the Texas Farm Bureau, best wishes and congratulations on all her accomplishments, and that a copy of this resolution be given to Miss Chadwell and her parents.

WATSON

Signed—Lieutenant Governor Preston Smith; Aikin, Bates, Blanchard, Calhoun, Cole, Colson, Creighton, Crump, Dies, Hall, Hardeman, Harrington, Hazlewood, Herring, Hightower, Kazen, Kennard, Krueger, Moore, Parkhouse, Patman, Ratliff, Reagan, Richter, Rogers, Schwartz, Snelson, Spears, Strong, Word.

The resolution was read.

On the motion of Senator Reagan and by unanimous consent the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

The resolution was adopted.

The President announced the appointment of Senators Watson, Blanchard and Moore as a committee to escort the distinguished guest to the President's Rostrum.

The President presented Senator Watson and he introduced Miss Chadwell to the Members of the Senate.

Miss Chadwell addressed the Senate stating that it was a great honor for her to be requested to address the Senate. She further stated that it was with great pride that she had always been very proud to say "I am a Texan," and since she was privileged to see the Members of the Senate, she was justly proud of being a Texan.

Senator Watson then presented an enrolled copy of S. R. No. 348 to Miss Chadwell.

(Senator Herring in the Chair.)

Senate Resolution 345

Senator Spears offered the following resolution:

Be It Resolved, By the Senate of the State of Texas, That Rule 73, Rules of the Senate, be amended to read as follows:

"73. After a bill, simple resolution, concurrent resolution or joint resolution has been considered and defeated by either Branch of the Legislature, no bill, simple resolution, concurrent resolution or joint resolution containing the same substance shall be considered at the same session.

A bill, simple resolution, concurrent resolution or joint resolution shall be considered defeated when it

has been reported unfavorably from the committee to which it has been sent and no minority report has been filed or when it has failed to receive sufficient votes to finally pass or to pass to third reading. It shall be considered to be defeated even though a motion to reconsider the vote may subsequently be made unless such motion has been made and favorably acted upon.

A bill, simple resolution, concurrent resolution or joint resolution shall be considered defeated when the same has in any manner been tabled in either House and may not be considered in the other House unless and until the same has been called from the table in the House in which it has been tabled."

The resolution was read and was referred to the Committee on Rules.

Senate Resolution 346

Senator Spears offered the following resolution:

Be It Resolved, By the Senate of the State of Texas, That Rule 71, Section (a), Sub-section (5), Rules of the Senate, be amended as follows:

"(5) To suspend, rescind or amend any rule of the Senate unless such rule of the Senate specifically provides that it may not be suspended."

The resolution was read and was referred to the Committee on Rules.

Senate Resolution 347

Senator Spears offered the following resolution:

Be It Resolved, By the Senate of the State of Texas, That Rule 60, Rules of the Senate, be amended to read as follows:

"60. After a question shall have been decided, either in the affirmative or negative, any Member voting with the prevailing side may, on the same day in which the vote was taken, or within the next succeeding day of actual session, move the reconsideration thereof. When a bill, resolution, report, amendment, order or message upon which a vote was taken shall have gone out of the possession of the Senate and have been communicated to the House of Representatives, the motion to reconsider shall be accompanied by a motion to request the House to return same, which last motion shall be acted upon, and if de-

terminated in the negative shall be a final disposition of the motion to reconsider. Provided however that this Rule may not be suspended to allow a motion to reconsider to be made after the same day on which the vote was taken or within the next succeeding day of actual session."

The resolution was read and was referred to the Committee on Rules.

Message From the Governor

The following message received from the Governor was read and was filed with the Secretary of the Senate:

Austin, Texas,
March 25, 1965.

Senate of the State of Texas, Fifty-Ninth Legislature:

Pursuant to your request in Senate Concurrent Resolution No. 60, I am herewith returning Senate Bill No. 5 to you in order that corrections can be made.

With kindest regards,

Sincerely,

JOHN CONNALLY,
Governor of Texas

Report of Standing Committee

Senator Moore offered the following report:

Austin, Texas,
March 29, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Education, to which was referred S. B. No. 310, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but the Committee Substitute hereto attached do pass and be printed.

MOORE, Chairman.

C. S. S. B. No. 310 was read the first time.

Vote on Final Passage Senate Bill 82 Reconsidered

On motion of Senator Hardeman and by unanimous consent the vote by which S. B. No. 82 was finally passed on Thursday, March 25, 1965, was reconsidered.

Question—Shall S. B. No. 82 be finally passed?

On motion of Senator Hardeman

and by unanimous consent the vote by which the Constitutional 3-day Rule and Senate Rule 32 were suspended on S. B. No. 82 was reconsidered.

Question—Shall S. B. No. 82 be passed to engrossment?

On motion of Senator Hardeman and by unanimous consent the vote by which S. B. No. 82 was passed to engrossment was reconsidered.

Question—Shall S. B. No. 82 be passed to engrossment?

Senator Hardeman offered the following Committee Amendment to the bill:

Amend Senate Bill No. 82 by Herring by striking out and deleting the present Section 1 thereof and by substituting and inserting in lieu thereof of the following:

"Section 1. Section 12 of the Texas Trust Act, Chapter 148, Acts of the 48th Legislature R. S. (1943), sec. 12, p. 232, as amended, codified as Article 7425b-12, Vernon's Texas Civil Statutes, is hereby amended to provide as follows:

"A trustee shall not buy or sell, either directly or indirectly, any property owned by or belonging to the trust estate, from or to itself or an affiliate; or from or to a director, officer, or employee of such trustee, or of an affiliate; or from or to himself, a relative, employer, partner or other business associate; provided a national banking association, or a state chartered bank and trust company, or a state chartered trust company, or a state chartered bank having trust powers, or any other state chartered corporation having the right to exercise trust powers, when acting or serving as executor, administrator, guardian, trustee, or receiver, may sell shares of the capital stock of itself so owned or held by itself, for any estate, to one or more of its officers, stockholders or directors, upon a court of competent jurisdiction finding that any such sale will be to the best interest of the estate owning such shares; fixing or approving the price to be paid therefor, and the terms of sale, and upon entering an order, decree or judgment, authorizing, approving and directing such sale to be made; and provided further that a corporate trustee, executor, administrator, or guardian, when authorized by will,

trust agreement, other trust instrument, or judicial order to retain its own capital stock in trust, may exercise rights to purchase its own stock when increases in its capital stock are offered pro rata to stockholders; and, when the exercise of rights or the receipt of a stock dividend results in a fractional share holding, may purchase an additional fractional share (or shares) to round out the fractional share so acquired into one full share; provided, moreover, that such exercise of rights, or purchase of fractional shares, in the circumstances then prevailing, shall be consistent with the judgment and care which men of ordinary prudence exercise in the management of their own affairs.'"

The Committee Amendment was read and was adopted.

Senator Hardeman offered the following Committee Amendment to the bill:

Amend Senate Bill No. 82 by Herring by striking out and deleting the present caption thereof and by substituting in lieu thereof the following:

"An Act amending Sections 12 and 14 of the Texas Trust Act to provide that a corporate trustee, executor, administrator or guardian, when authorized by will, trust agreement, other trust instrument, or judicial order, to retain its own capital stock in trust may, when the exercise of rights or the receipt of a stock dividend results in a fractional share holding, purchase an additional fractional share (or shares) to round out the fractional share so acquired into one full share; providing that such purchase, in the circumstances then prevailing, shall be consistent with the judgment and care which men of ordinary prudence exercise in the management of their own affairs; and declaring an emergency."

The Committee Amendment was read and was adopted.

The bill as amended was again passed to engrossment.

Senate Bill 82 on Third Reading

Senator Hardeman moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 82 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

| | |
|------------|-----------|
| Aikin | Kennard |
| Bates | Krueger |
| Blanchard | Moore |
| Calhoun | Parkhouse |
| Cole | Patman |
| Colson | Ratliff |
| Creighton | Reagan |
| Crump | Richter |
| Dies | Rogers |
| Hall | Schwartz |
| Hardeman | Snelson |
| Harrington | Spears |
| Hazlewood | Strong |
| Herring | Watson |
| Hightower | Word |
| Kazen | |

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was again passed by the following vote:

Yeas—30

| | |
|------------|-----------|
| Aikin | Kennard |
| Bates | Krueger |
| Blanchard | Moore |
| Calhoun | Parkhouse |
| Cole | Patman |
| Colson | Ratliff |
| Creighton | Reagan |
| Crump | Richter |
| Dies | Rogers |
| Hall | Schwartz |
| Harrington | Snelson |
| Hazlewood | Spears |
| Herring | Strong |
| Hightower | Watson |
| Kazen | Word |

Nays—1

Hardeman

Reports of Standing Committee

Senator Moore submitted the following reports:

Austin, Texas,
March 29, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Education, to which was referred H. B. No. 130, have had the same under consideration, and I am instructed to report it back to the Senate with the

recommendation that it do pass and be printed.

MOORE, Chairman.

Austin, Texas,
March 29, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Education, to which was referred S. B. No. 149, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOORE, Chairman.

(President in the Chair.)

Senate Bill 329 on Second Reading

On motion of Senator Snelson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 329, A bill to be entitled "An Act validating all action taken by the commissioners' court of certain counties in connection with ordering an election for the issuance of general obligation bonds for the purpose of erecting public health administration buildings and acquiring sites and equipment therefor; etc., and declaring an emergency."

The bill was read second time and passed to engrossment.

Record of Vote

Senator Hardeman asked to be recorded as voting "Nay" on the passage of S. B. No. 329 to engrossment.

Senate Bill 329 on Third Reading

Senator Snelson moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 329 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

| | |
|-----------|-----------|
| Aikin | Colson |
| Bates | Creighton |
| Blanchard | Crump |
| Calhoun | Dies |
| Cole | Hall |

| | |
|------------|----------|
| Harrington | Ratliff |
| Hazlewood | Reagan |
| Herring | Richter |
| Hightower | Rogers |
| Kazen | Schwartz |
| Kennard | Snelson |
| Krueger | Spears |
| Moore | Strong |
| Parkhouse | Watson |
| Patman | Word |

Nays—1

Hardeman

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

| | |
|------------|-----------|
| Aikin | Kennard |
| Bates | Krueger |
| Blanchard | Moore |
| Calhoun | Parkhouse |
| Cole | Patman |
| Colson | Ratliff |
| Creighton | Reagan |
| Crump | Richter |
| Dies | Rogers |
| Hall | Schwartz |
| Harrington | Snelson |
| Hazlewood | Spears |
| Herring | Strong |
| Hightower | Watson |
| Kazen | Word |

Nays—1

Hardeman

Report of Standing Committee

Senator Ratliff by unanimous consent submitted the following report:

Austin, Texas,

March 29, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred S. B. No. 467, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute adopted in lieu thereof do pass and be printed.

RATLIFF, Chairman.

C. S. S. B. No. 467 was read the first time.

House Bills and Resolutions on First Reading

The following bills and resolutions received from the House were read the first time and referred to the committees indicated:

H. J. R. No. 24, to Committee on Constitutional Amendments.

H. J. R. No. 36, to Committee on Constitutional Amendments.

H. J. R. No. 37, to Committee on Constitutional Amendments.

H. B. No. 61, to Committee on Counties, Cities and Towns.

H. B. No. 37, to Committee on Jurisprudence.

Senate Joint Resolution 24 on Second Reading

On motion of Senator Hardeman and by unanimous consent the regular order of business was suspended to take up and consider S. J. R. No. 24. (The resolution having been read the second time on Tuesday, March 16, 1965, and passed to engrossment and the vote by which S. J. R. No. 24 was passed to engrossment was reconsidered on Wednesday, March 17, 1965.)

Question—Shall S. J. R. No. 24 be passed to engrossment?

Senator Hightower offered the following amendment to the resolution:

Amend S. J. R. 24, Section 1 by striking out all of the language and figures beginning with the word "Funds" on line 53, page 1 of the printed Resolution and ending with the semicolon after the word "period" on line 21, page 2, of the printed Resolution, and inserting in lieu thereof the following:

"The following State institutions then in existence shall be eligible to receive funds raised from said ten cent (10c) tax levy for the ten-year period beginning January 1, 1968 and for succeeding ten-year period:

Arlington State College at Arlington

Texas Technological College at Lubbock

North Texas State University at Denton

Lamar State College of Technology at Beaumont

Texas College of Arts and Industries at Kingsville

Texas Woman's University at Denton

Texas Southern University at Houston

Midwestern University at Wichita Falls

University of Houston at Houston

Pan American College at Edinburg

East Texas State College at Commerce

Sam Houston State Teachers College at Huntsville

Southwest Texas State College at San Marcos

West Texas State University at Canyon

Stephen F. Austin State College at Nacogdoches

Sul Ross State College at Alpine

Angelo State College at San Angelo

"Eighty five per cent (85%) of such funds shall be allocated by the Comptroller of Public Accounts of the State of Texas on June 1, 1968 and fifteen per cent (15%) of such funds shall be allocated by said Comptroller on June 1, 1974 based on the following determinations:

"(1) Ninety per cent (90%) of the funds allocated on June 1, 1968 shall be allocated to State Institutions based on projected enrollment increases published by the Coordinating Board, Texas College and University System for fall 1968 to fall 1978.

"(2) Ten per cent (10%) of the funds allocated on June 1, 1968 shall be allocated to certain of the eligible State institutions based on the number of additional square feet needed in educational and general facilities by such eligible state institution to meet the average square feet per full-time equivalent student of all State senior institutions (currently numbering twenty-two).

"(3) All of the funds allocated on June 1, 1974 shall be allocated to certain of the eligible State institutions based on determinations used in the June 1, 1968 allocations except that the allocation of fifty per cent (50%) of the funds allocated on June 1, 1974 shall be based on projected enrollment increases for fall 1974 to fall 1978, and fifty per cent (50%) of such funds allocated on June 1, 1974, and fifty per cent (50%) of such funds allocated on June 1, 1974 shall be based on the need for additional square feet of educational and general facilities.

"Not later than June first of the beginning year of each succeeding ten-year period the Comptroller of Public Accounts of the State of Texas shall re-allocate eight-five per cent (85%) of the funds to be derived from said ten cent (10¢) ad valorem tax for said ten-year period and not later than June first of the sixth year of each succeeding ten-year period said Comptroller shall re-allocate fifteen per cent (15%) of such funds to the eligible State institutions then in existence based on determinations for the said ten-year period that are similar to the determinations used in allocating funds during the ten-year period beginning January 1, 1968, except that enrollment projections for succeeding ten-year periods will be from the fall semester of the first year to the fall semester of the tenth year."

and by striking the word "and" in said line 21 and changing the word "all" to "All."

The amendment was read and was adopted.

The resolution as amended was passed to engrossment.

Record of Votes

Senators Patman, Herring, Strong, Dies, Krueger, Kazen, Hightower and Calhoun asked to be recorded as voting "Nay" on the passage of S. J. R. No. 24 to engrossment.

Motion To Place Senate Joint Resolution 24 on Third Reading

Senator Hardeman moved that Senate Rule 32 and the Constitutional Rule requiring resolutions to be read on three several days be suspended and that S. J. R. No. 24 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving four-fifths vote of the Members present):

Yeas—22

| | |
|------------|-----------|
| Aikin | Kennard |
| Bates | Moore |
| Blanchard | Parkhouse |
| Cole | Ratliff |
| Colson | Reagan |
| Creighton | Richter |
| Crump | Rogers |
| Hall | Schwartz |
| Hardeman | Snelson |
| Harrington | Watson |
| Hazlewood | Word |

Nays—9

| | |
|-----------|---------|
| Calhoun | Krueger |
| Dies | Patman |
| Herring | Spears |
| Hightower | Strong |
| Kazen | |

Message From the House

Hall of the House of Representatives,
Austin, Texas,
March 29, 1965.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House refused to concur in Senate amendments to H. J. R. No. 11 and has requested the appointment of a Conference Committee to consider the differences between the two Houses. Hinson, Allen, Wieting, Simpson and Grover.

The House refused to concur in Senate amendments to House Bill No. 73 and has requested the appointment of a Conference Committee to consider the differences between the two Houses. Allen, Hale, Cowles, Slider and Williamson.

The House has concurred in Senate amendments to House Bill No. 14 by vote of 83 ayes, 58 noes.

Respectfully submitted,

DOROTHY HALLMAN,

Chief Clerk House of Representatives

Conference Committee on House Joint Resolution 11

Senator Hazlewood called from the President's Table for consideration at this time, the request of the House for a Conference Committee to adjust the differences between the two Houses on H. J. R. No. 11 and moved that the request be granted.

The motion to grant the request prevailed.

Accordingly, the President announced the appointment of the following as a Conference Committee on the part of the Senate on H. J. R. No. 11: Senators Hazlewood, Aikin, Hardeman, Herring and Crump.

Conference Committee on House Bill 73

Senator Strong called from the President's Table for consideration

at this time, the request of the House for a Conference Committee to adjust the differences between the two Houses on H. B. No. 73 and moved that the request be granted.

The motion to grant the request prevailed.

Accordingly, the President announced the appointment of the following as a Conference Committee on the part of the Senate on H. B. No. 73: Senators Strong, Calhoun, Dies, Krueger and Harrington.

Message From the House

Hall of the House of Representatives,
Austin, Texas,
March 29, 1965.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House refused to concur in Senate amendments to H. J. R. No. 8 and has requested the appointment of a Conference Committee to consider the differences between the two Houses.

The House has appointed the following Conferees: Traeger, Clayton, Haines, Schiller, Simpson.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk House of Representatives

Senate Bill 158 with House Amendments

Senator Watson called S. B. No. 158 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the following House amendments before the Senate:

Amendment No. 1

Amend S. B. No. 158 by adding at the end of line 54 the following: "Provided further that no education courses shall be required as a prerequisite for qualification as a business mgr."

Amendment No. 2

Amend S. B. 158 by striking all of Subsection C of Section 2 and inserting in lieu thereof the following:

(C) Each local school district governing board, with the advise and assistance of the State Commissioner on Education is hereby authorized to establish standards of certification applicable to each school business manager of such school district eligible for and requesting such special service teacher allotment and for the issuance of a certificate to qualified applicant; provided, however, that the present right or privilege of school business managers engaged as such to pursue and continue such employment shall be safeguarded and protected.

The amendments were read.

Senator Watson moved that the Senate not concur in the House amendments, but that a Conference Committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Watson, Aikin, Reagan, Hardeman and Cole.

Senate Resolution 358

Senator Word offered the following resolution:

Whereas, March 28, 1965 marked the forty-second anniversary of the birth of our distinguished colleague, Senator W. E. (Pete) Snelson of Midland, Texas; and

Whereas, It is the desire of the Senate of Texas to recognize this important day and to express its good wishes and happy returns of the day to Senator Snelson; now, therefore, be it

Resolved, By the Senate of Texas, That it does hereby express its best wishes and congratulations on this anniversary, that a copy of this Resolution, under the Seal of the Senate, be forwarded to Senator Snelson.

WORD
HALL
HARDEMAN

Signed—Lieutenant Governor Preston Smith; Aikin, Bates, Blanchard, Calhoun, Cole, Colson, Creighton, Crump, Dies, Harrington, Hazlewood, Herring, Hightower, Kazen, Kennard, Krueger, Moore, Parkhouse, Patman, Ratliff, Reagan, Richter, Rogers, Schwartz, Spears, Strong, Watson.

The resolution was read.

On motion of Senator Rogers and by unanimous consent the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

The resolution was then adopted.

**Senate Concurrent Resolution 42
With House Amendment**

Senator Hall called S. C. R. No. 42 from the President's table for consideration of the House amendment to the resolution.

The President laid the resolution and the following House amendment before the Senate:

Committee Amendment No. 1

Amend S. C. R. No. 42 by striking the sixth whereas clause.

The amendment was read.

Senator Hall moved that the Senate concur in the House amendment.

The motion prevailed.

Bills and Resolution Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bills and resolution:

H. C. R. No. 33, Granting permission to P. R. Nichols to sue the State of Texas.

H. B. No. 101, A bill to be entitled "An Act relating to warning devices on public streets and highways; providing a penalty; and declaring an emergency."

H. B. No. 437, A bill to be entitled "An Act to amend Article 5949 of the Revised Civil Statutes of Texas, 1925, as amended by the Notary Public Act of 1943; the amendment relates to the time of re-appointment and the period of requalifying of Notaries Public; repealing all laws in conflict; providing for severability; and declaring an emergency."

H. B. No. 105, A bill to be entitled "An Act providing that city governments in certain counties having a population of more than one million (1,000,000) according to the last preceding Federal Census may institute suits to enforce restrictive covenants

in deeds in subdivisions which have the endorsed approval of the City Planning Commission or the governing body of the city; providing that cities which have zoning ordinances shall be exempt from the provisions of this Act; providing that no municipal funds shall be used for such purpose if such restrictions are in violation of the Constitution of the United States or of this State; and declaring an emergency."

H. B. No. 333, A bill to be entitled "An Act relating to a change in the name of East Texas State College at Commerce, Texas; amending Chapter 361, page 833, Acts of the Fifty-fifth Legislature, 1955, so as to change the name of East Texas State College to "East Texas State University"; ratifying and confirming in behalf of "East Texas State University" all legislative acts and appropriations heretofore passed in behalf of East Texas State College, East Texas State Teachers College or East Texas State University; and declaring an emergency."

S. B. No. 32, A bill to be entitled "An Act amending Section 3 of House Bill 575, Chapter 87, Acts of the Forty-third Legislature, Regular Session, 1933, so as to clarify the salute to the Texas Flag; and declaring an emergency."

S. B. No. 121, A bill to be entitled "An Act to require teachers and pupils in Texas public schools to wear protective eye devices when participating in certain vocational industrial arts, and chemical-physical courses or laboratories; and declaring an emergency."

S. B. No. 125, A bill to be entitled "An Act authorizing boards of trustees of any independent school district located in a county having a population of between six hundred fifty thousand (650,000) and seven hundred fifty thousand (750,000), according to the last preceding Federal Census to make expenditures from local school funds of the district for the evaluation, counseling, and/or treatment of emotionally disturbed children; defining the term "emotionally disturbed children"; etc., and declaring an emergency."

S. B. No. 223, A bill to be entitled "An Act authorizing the Board of Regents of The University of Texas for

and on behalf of The University of Texas Medical Branch at Galveston, Texas, to acquire by donation and deed of gift certain properties contiguous and/or adjacent to the campus of The University of Texas Medical Branch at Galveston when deemed necessary by the Board of Regents; and declaring an emergency."

S. B. No. 142, A bill to be entitled "An Act amending House Bill 450, Acts of the 58th Legislature, Regular Session, 1963, Chapter 72, codified as Article 1970-324 of Vernon's Civil Statutes; amending Senate Bill 350, Acts of the 58th Legislature, Regular Session 1963, Chapter 127, codified as Article 1970-324a of Vernon's Civil Statutes; providing for exchange of benches of the County Court at Law No. 1 and the County Court at Law No. 2 of Travis County, Texas; etc., and declaring an emergency."

S. B. No. 161, A bill to be entitled "An Act amending Article 4498a, of the Revised Civil Statutes of Texas, 53rd Legislature, page 1029, Chapter 426, Section 1; requiring registration of licensed physicians, providing annual registration fee; and declaring an emergency."

S. B. No. 182, A bill to be entitled "An Act relating to ownership of real and personal property in Texas by aliens; repealing Title 5, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency."

S. B. No. 203, A bill to be entitled "An Act amending House Bill 619, Chapter 201 Acts of the 58th Legislature, Regular Session, 1963 (Article 2654e, V.T.C.S.) to provide for the exemption of an increased number of students from the other nations of the American hemisphere from payment of tuition fees to institutions of collegiate rank; providing certain procedures for granting such exemptions; repealing conflicting laws; and declaring an emergency."

S. B. No. 352, A bill to be entitled "An Act authorizing certain cities to establish, acquire, purchase, construct, improve, enlarge, equip, repair, operate and maintain certain public improvements including, without limitation, civic centers, civic center buildings, auditoriums, opera houses, music halls, exhibition halls, coliseums, or other public buildings,

structures or improvements for public gatherings for public use, and buildings, structures, parking areas or other improvements of facilities deemed by such city to be necessary, desirable or convenient for off-street parking or storage of motor vehicles; etc.; and declaring an emergency."

Memorial Resolutions

S. R. No. 342—By Senator Krueger: Memorial resolution for M. W. "Baldy" Crowell.

S. R. No. 343—By Senator Reagan: Memorial resolution for Henry M. Smith.

S. R. No. 355—By Senator Watson: Memorial resolution for Bill Don Freeman.

S. R. No. 356—By Senator Watson: Memorial resolution for R. J. Milliman.

Congratulatory and Welcome Resolutions

S. R. No. 349—By Senator Word: Extending welcome to students, teacher and sponsors of Iredell High School.

S. R. No. 350—By Senator Word: Extending welcome to students and teachers of Covington High School.

S. R. No. 351—By Senator Hall: Extending welcome to Mr. and Mrs. Martin Parks and family of Rockwall.

S. R. No. 352—By Senator Watson: Extending welcome to Virgil Yarbrough et al.

S. R. No. 353—By Senator Watson: Extending welcome to George Vowell of McGregor.

S. R. No. 354—By Senator Watson: Extending welcome to J. H. LaFevers, et al., of Waco.

S. R. No. 357—By Senator Watson: Extending congratulations to Russell D. Brooks of Rockdale on being named Engineer - of - the - Year by Brazos Chapter of T.S.P.E.

Adjournment

On motion of Senator Hardeman the Senate at 12:01 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

APPENDIX

Reports of Standing Committee

Senator Hardeman submitted the following reports:

Austin, Texas,
March 29, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 352, "An Act authorizing certain cities to establish, acquire, purchase, construct, improve, enlarge, equip, repair, operate and maintain certain public improvements such as civic centers, civic center buildings, auditoriums, opera houses, music halls, exhibition halls, coliscums, museums, libraries, or other city buildings, and to establish, acquire, purchase, construct, improve, enlarge, equip, repair, operate and maintain structures, parking areas or facilities located at or in the immediate vicinity of such public improvements, to be used in connection with such public improvements for off-street parking or storage of motor vehicles or other conveyances; providing that such city may lease such structures, parking areas or facilities to any person, persons, corporation or corporations on such terms and conditions as said city shall deem appropriate; authorizing such cities to issue negotiable revenue bonds to provide funds for establishing, acquiring, purchasing, constructing, improving, enlarging, equipping and repairing such public improvements and containing provisions relating to such bonds and the revenues pledged in payment thereof; authorizing the issuance of revenue refunding bonds and containing provisions relating to said bonds and the revenues pledged in payment thereof; providing that this Act is cumulative of existing laws but providing that this Act shall take precedence over inconsistent or conflicting laws and over all city charter provisions; providing a severability clause; containing other provisions relating to the subject; and declaring an emergency." have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
March 29, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 182, "An Act relating to ownership of real and personal property in Texas by aliens; repealing Title 5, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency."

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
March 29, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 125, "An Act authorizing boards of trustees of any independent school district located in a county having a population of between six hundred fifty thousand (650,000) and seven hundred fifty thousand (750,000), according to the last preceding Federal Census to make expenditures from local school funds of the district for the evaluation, counseling, and/or treatment of emotionally disturbed children; defining the term 'emotionally disturbed children'; setting forth the power and authority for the board of trustees to make such expenditures and to contract for services rendered by nonprofit corporations; providing that the Act shall be cumulative of all laws of this state relating to the purpose for which public school funds may be expended; and declaring an emergency."

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
March 29, 1965.

Hon. Preston Smith, President of the Senate:

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 142, "An Act amending House Bill No. 450, Acts of the 58th Legislature, Regular Session, 1963, Chapter 72 codified as Article 1970-324 of Vernon's Civil Statutes; amending Senate Bill No. 350, Acts of

the 58th Legislature, Regular Session, 1963, Chapter 127, codified as Article 1970-324a of Vernon's Civil Statutes; providing for exchange of benches of the County Court at Law No. 1 and the County Court at Law No. 2 of Travis County, Texas; conforming the terms of office of Judges of the County Courts at Law of Travis County, Texas, to the provisions of Section 65 of Article XVI of the Constitution of Texas; prescribing the jurisdiction of the County Courts of Law of Travis County, and the Judges thereof; providing the terms of Court of the County Courts at Law of Travis County, and prescribing the compensation and qualifications of the Judges thereof; making other provisions relating to the organization and jurisdiction of the County Courts of Law of Travis County, Texas; providing a severability clause; and declaring an emergency."

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
March 29, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 32, "An Act amending Section 3 of House Bill 575, Chapter 87, Acts of the Forty-third Legislature, Regular Session, 1933, so as to clarify the salute to the Texas Flag; and declaring an emergency."

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
March 29, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 161, "An Act amending Article 4498a, of the Revised Civil Statutes of Texas, 53rd Legislature, page 1029, Chapter 426, Section 1; requiring registration of licensed physicians, providing annual registration fee; and declaring an emergency."

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
March 29, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 203, "An Act amending House Bill 619, Chapter 201, Acts of the 58th Legislature, Regular Session, 1963 (Article 2654e, V.T.C.S.) to provide for the exemption of an increased number of students from the other nations of the American hemisphere from payment of tuition fees to institutions of collegiate rank, providing certain procedures for granting such exemptions; repealing conflicting laws; and declaring an emergency."

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
March 29, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 121, "An Act to require teachers and pupils in Texas public schools to wear protective eye devices when participating in certain vocational, industrial arts, and chemical-physical courses or laboratories; and declaring an emergency."

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HARDEMAN, Chairman.

Austin, Texas,
March 29, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 223, "An Act authorizing the Board of Regents of The University of Texas for and on behalf of The University of Texas Medical Branch at Galveston, Texas, to acquire by donation and deed of gift certain properties contiguous and/or adjacent to the campus of The University of Texas Medical Branch at Galveston when deemed necessary by the Board

of Regents; and declaring an emergency."
have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Sent to Governor

March 29, 1965

S. B. No. 32

S. B. No. 121
S. B. No. 125
S. B. No. 161
S. B. No. 142
S. B. No. 182
S. B. No. 203
S. B. No. 223
S. B. No. 352
S. C. R. No. 61

In Memory of

Dr. H. E. Robinson

Senator Aikin offered the following resolution:

(Senate Resolution 341)

Whereas, On September 7, 1964, God in His infinite wisdom called from these earthly labors Dr. H. E. Robinson of Austin, Texas; and

Whereas, Since 1937 Dr. Robinson had been a member of the staff of the Texas Education Agency, more recently as administrative assistant in instruction; and

Whereas, For fifty years he had been connected with education as a teacher, principal, superintendent of schools, and member of the State Department of Education; and

Whereas, He was known for his work with foreign students in Texas, was one of the first administrators of the Texas School Equalization Law, and was known as the "father of special education" in Texas; and

Whereas, Dr. Robinson assisted in the program of high school education for inmates at the Department of Corrections in Huntsville and was instrumental in handing out more than 2,000 diplomas to inmates; and

Whereas, He was a Deacon in the First Baptist Church, past President of the Austin Kiwanis Club and a member of the Masonic Lodge, including the Scottish Rite; and

Whereas, He is survived by his widow, Mrs. Mattie Webb Robinson of Austin, and two sons, Weldon Robinson of Austin and Charles Robinson of Los Angeles, California; and

Whereas, The Senate desires to pay tribute to the memory of this worthy citizen, known and loved by thousands; now, therefore, be it

Resolved, That copies of this resolution be mailed to members of his family expressing our deep sympathy, and that a page in the Senate Journal be set aside in his memory.

AIKIN
HERRING
HALL

The resolution was read and was adopted by a rising vote of the Senate.